

IOWA REAL ESTATE COMMISSION

Frequently Asked Questions (FAQs) Background Checks

1. Who is required to have background checks?

All initial salesperson and broker applicants. This includes those licensing by reciprocity and Rule 5.3, as well as salespersons converting to brokers. Also affected will be those who are reinstating a license that has been expired for more than 3 years.

2. What exactly is a background check?

An applicant signs a waiver allowing the Real Estate Commission to conduct the check for felony and misdemeanor convictions through both the Iowa Division of Criminal Investigations and the Federal Bureau of Investigations. An FBI fingerprint card is submitted to the Commission's office and then forwarded to the DCI and the FBI lab. The results of both the state and national criminal background checks are sent to the Real Estate Commission. These reports are reviewed for final approval once the Commission receives the application for licensure. **The background check is valid for only 90 calendar days.**

3. If someone had a license, let it expire, and then decided to apply for re-issue of the license, will a background check be required?

Only if the license has been expired for 3 years or more.

4. How much does the background check process cost?

The cost is \$52.25. Be sure to include a check or money order for \$52.25 made out to the Iowa Real Estate Commission with the fingerprint card and waiver form.

5. Will the background check include the Iowa sex offender registry?

Yes.

6. Can the information found on either the DCI or FBI reports be shared with anyone?

No. The information is confidential and protected.

7. Is it true that the results from the FBI fingerprints may take four to eight weeks?

Yes. In some instances, it may take longer. Once the fingerprint cards have been delivered to the DCI and FBI we cannot check on the status of an individual's background check. Applicants are notified via mail when their background check is completed. There is also a link on our website (www.state.ia.us/irec) that is updated as completed background checks are received.

8. How will that affect the licensure application?

The application will not be accepted until the background check is completed. Applications for licensure should NOT be mailed to the Iowa Real Estate Commission's office until you have been notified by the Commission or have knowledge (www.state.ia.us/irec) that the background check is complete. Any applications received prior to the completion of the background check will be returned as incomplete. **The background check is valid for only 90 calendar days from the date of the FBI report.** If this deadline is missed the applicant will need to submit to another background check prior to sending in their application.

9. Does an individual need to divulge criminal activity if it occurred when he/she was a minor?

It depends. If a minor is accused of criminal conduct and found guilty by a juvenile court, the finding is referred to as an “adjudication” rather than a “conviction”. Technically, a juvenile adjudication is outside the Commission’s inquiry. In some cases, jurisdiction is transferred by the juvenile court and minors are charged and convicted as adults. In those cases, a “conviction” occurs, which must be disclosed. Whether an individual needs to divulge criminal activity when he/she was a minor depends upon whether the matter was considered by the juvenile or adult system. If juvenile court adjudication – no, if conviction in district court – yes.

10. Does an individual need to divulge deferred judgments?

Yes.

11. Is an OWI (OMVI; DWI, etc.) considered a criminal offense and need to be reported?

Yes.

12. Does the Commission review the answers to the criminal history questions provided by the applicant for possible fraud?

Yes. All applications are reviewed and compared with the criminal history record(s). If the applicant checked “no” to any of the questions but was found to have a conviction, the application may be considered fraudulent.

13. Why might an applicant be denied a license?

- a. The applicant failed to tell the truth
- b. The applicant’s criminal history was serious enough to warrant a denial
- c. The applicant failed to provide the Commission with additional information requested by the Commission
- d. The applicant procured a fraudulent document
- e. The applicant’s license from another state was suspended or revoked

14. Is there an appeal process if the applicant is denied?

Yes. The applicant may make written request for hearing if within 30 days of notification that the Commission has denied the application.

15. Can a previous background check be used?

No.

16. How do I get a fingerprint packet?

Send your request for a fingerprint packet via e-mail to Sandy.Malek@iowa.gov or FAX: 515-281-7411 providing your name and mailing address.

17. When can an applicant start the background check process?

At any time. Applicants should keep in mind that pre-license education (if applicable), passing examination scores (if applicable), certification of licensure (if applicable) and the criminal history background check all have expiration dates that need to be watched carefully. Deadlines are absolute by law and cannot be waived or extended.